

Senate File 2284 - Introduced

SENATE FILE 2284
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 401)
(SUCCESSOR TO SF 235)

A BILL FOR

1 An Act relating to retail motor fuel sites, by requiring
2 standards and practices to assist disabled individuals
3 obtaining motor fuel, providing for enforcement by the
4 department of agriculture and land stewardship, and
5 including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 214.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Americans with Disabilities Act*
4 *of 1990*" includes Tit. III of the federal Americans with
5 Disabilities Act of 1990, as provided in 42 U.S.C. §12181 et
6 seq., its implementing regulations, including 28 C.F.R. pt. 36,
7 and the 2010 standards for accessible design published by the
8 United States department of justice.

9 Sec. 2. NEW SECTION. 214.12 **Accessibility of motor fuel**
10 **pumps — rules.**

11 1. A retail dealer operating a retail motor fuel site shall
12 comply with the applicable requirements of the Americans with
13 Disabilities Act of 1990.

14 2. *a.* In addition to the requirements provided in
15 subsection 1, a retail dealer's retail motor fuel site shall
16 comply with all of the following:

17 (1) Offer refueling assistance upon the request of a
18 customer who is a person with a disability. However, such
19 assistance is not required to be provided at any time that the
20 retail motor fuel site is operating on a remote control basis
21 with less than two employees on duty at the retail motor fuel
22 site.

23 (2) Display a sign which notifies customers of the hours
24 that refueling assistance is available under subparagraph (1).

25 (3) Provide at least one large call button that is
26 accessible by a customer who is a person with a disability to
27 request refueling assistance as provided in subparagraph (1).
28 The call button must be placed near the motor fuel pump, be
29 located within the reach of an individual who is inside a motor
30 vehicle, and be capable of being operated by a closed hand.

31 *b.* This subsection applies regardless of the date when a
32 retail motor fuel site was ready for public accommodation or
33 when a motor fuel pump was installed at a retail motor fuel
34 site.

35 3. A customer shall not incur any additional expense for

1 requesting refueling assistance as provided in this section.

2 4. The department shall adopt rules to provide standards
3 for retail dealers operating retail motor fuel sites in
4 implementing the provisions of this section.

5 Sec. 3. NEW SECTION. 214.13 **Accessibility of motor fuel**
6 **pumps — enforcement.**

7 1. During its regular inspection of motor fuel pumps at
8 a retail motor fuel site as provided in section 214.11, the
9 department shall determine whether a retail dealer is in
10 compliance with section 214.12, including rules adopted by the
11 department under that section.

12 2. Upon determining that a violation of section 214.12
13 requires corrective action, the department shall notify the
14 retail dealer. The retail motor fuel site or the retail
15 dealer's practices, as applicable, shall be modified to
16 correct the violation within six months after the retail dealer
17 receives such notice.

18 3. The department shall inspect a retail motor fuel site
19 if it determines on the basis of the receipt of three or more
20 complaints that a violation of section 214.12 may require
21 corrective action.

22 4. Upon determining that a retail dealer has violated
23 section 214.12, and has failed to comply with a notice for
24 corrective action as provided in this section, the department
25 may suspend one or more licenses issued under this chapter
26 to operate motor fuel pumps located at the retail motor site
27 where the violation is occurring. The department shall suspend
28 the license until it determines that the violation has been
29 corrected.

30 Sec. 4. **EFFECTIVE DATES.**

31 1. Except as provided in subsection 2, this Act takes effect
32 July 1, 2014.

33 2. The provisions of this Act enacting section 214.12,
34 subsection 2, paragraph "a", subparagraphs (2) and (3)
35 requiring that a sign and call button be placed on or near a

1 motor fuel pump take effect January 1, 2015.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 GENERAL. This bill provides that a retail dealer of motor
6 fuel who sells gasoline or diesel fuel at a motor fuel pump
7 must comply with the federal Americans with Disabilities Act.
8 In addition, the bill requires the retail dealer to comply
9 with additional state requirements as provided in the bill.
10 The bill is administered and enforced by the department of
11 agriculture and land stewardship (DALs).

12 ASSISTANCE TO CUSTOMERS WITH DISABILITIES. The bill
13 requires a retail dealer to provide assistance to a disabled
14 customer in obtaining motor fuel from a motor fuel pump without
15 charging an additional fee. The bill requires a retail dealer
16 to post a sign stating the hours that refueling assistance
17 is available and to install a call button near a motor fuel
18 pump that allows a disabled individual to request refueling
19 assistance. The retail dealer is not required to provide such
20 assistance when the motor fuel pump is operating on a remote
21 control basis and fewer than two employees are on duty.

22 ENFORCEMENT. The bill requires DALs to determine if a retail
23 dealer is in compliance with the provisions of the bill during
24 its regular inspections of motor fuel pumps or upon receipt of
25 three or more complaints. Upon determining that a violation
26 exists, DALs must deliver a notice to the retail dealer. The
27 retail dealer is provided six months from the date of receiving
28 a notice to take corrective action. If no corrective action is
29 taken within that period, DALs may suspend the retail dealer's
30 license to operate motor fuel pumps at the retail motor fuel
31 site.

32 EFFECTIVE DATE. The bill takes effect on July 1, 2014,
33 except for those provisions requiring a sign or call button
34 which take effect January 1, 2015.